IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5460 of 2001
To
SPECIAL CIVIL APPLICATION No. 5477 of 2001

HONOURABLE MR.JUSTICE KS JHAVERI

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GE LIGHTING (INDIA) LTD. - Petitioner(s)

Versus

ANIL R PATEL - Respondent(s)

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Appearance :
Mr. Keyur Gandhi for M/s NANAVATI ASSOCIATES for Petitioners
RULE SERVED for Respondent

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 16/11/2005

ORAL JUDGMENT

1. The above petitions have been filed against the orders passed by the Industrial Tribunal, Ahmedabad restraining the petitioner from transferring the respondents to their Limbasi Plant.

2. The respondents in these petitions were working at Nadiad Plant of the petitioner company. A 2(P) Settlement was arrived at between the petitioner company and Gujarat Mazdoor Panchayat, where as per Clause 6, the petitioner company is empowered to transfer an employee in case of shut-down or non-availability of work. Later on the activities of Aluminium Cap at

Nadiad Plant of the petitioner has been closed down due to heavy loss. Therefore the petitioner decided to transfer total 34 employees including the present respondents to its Limbasi Plant, which is about 40 kms away from Nadiad. The respondents and others approached Industrial Tribunal by filing complaint under section 33A of the Act. The Industrial Tribunal passed a mandatory order directing the petitioner not to transfer the respondents. The petitioner, therefore preferred various writ petitions before this Court. However, since the exparte order dated 16.1.2001 passed by the Industrial Tribunal was not extended by the Industrial Tribunal, the said petitions were withdrawn. Thereafter on 30th June 2001 the Industrial Tribunal passed an interim order directing the petitioner to make appropriate arrangement in order to see that the work is given to the respondents. The aforesaid order is the subject matter in these petitions.

3. While admitting the order, this Court has granted interim relief staying the operation and implementation of the impugned order, which is still in operation.

4. Admittedly the impugned order is an interim order which has been stayed by this Court since the year 2001. Under the circumstances, I am of the view that no useful purpose would be served by deciding the petition on merits at this stage. On the contrary, interest of justice would be met if the

Tribunal is directed to dispose of the main Reference within a stipulated period of time while continuing the interim relief granted by this Court, in which case no prejudice is likely to be cause to either side.

5. In the premises aforesaid, the Industrial Tribunal, Ahmedabad is directed to hear and dispose of the References within a period of six months from the date of receipt of writ of this Court. It is further directed that the interim relief granted in these petitions shall be continued till the disposal of the References. Rule is made absolute to the aforesaid extent with no order as to costs.

[K.S. JHAVERI, J.]

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